REMARKS/ARGUMENTS

Status of Claims

Claims 1, 7, 9, and 19-34 stand rejected.

Claims 2, 3, and 35 stand objected to.

Claims 3, 22, 28, 32, and 35 are hereby canceled.

Claims 1, 2, 7, 21, 23, 25, and 34 are currently amended.

As such, claims 1, 2, 7, 9, 19-21, 23-27, 29-31, and 33-34 are currently pending in the application.

The Applicant hereby requests further examination and reconsideration of the presently claimed application.

Allowable Subject Matter

The Applicant thanks the Examiner for indicating the allowable subject matter in claims 2, 3, and 35. In response, claim 2 has been rewritten in independent form, claim 1 has been amended to include the limitations of claim 3, and claim 34 has been amended to include the limitations of claim 35.

Claim Rejections – 35 U.S.C. §§ 102 and 103

Claim 34 stands rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication 2002/0150114 (*Sainomoto*). Claims 1, 7, 9, and 19-33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Sainomoto* in view of U.S. Patent 7,042,837 (*Cassiday*). Claims 22, 28, and 32 have been canceled, and, as described above, claims 1 and 34 have been amended to include allowable subject matter. Claims 19-21, 23, and 24 depend from claim 1, thus claims 19-21, 23, and 24 are also allowable. In addition, claims 9, 25-27, 29-31, and 33 depend from independent claim 7. Thus, claims 7, 9, 25-27, 29-31, and 33 stand or fall

on the application of the combination of *Sainomoto* and *Cassiday* to independent claim 7. The United States Supreme Court in *Graham v. John Deere Co. of Kansas City* noted that an obviousness determination begins with a finding that **"the prior art as a whole in one form or another contains all" of the elements of the claimed invention**. *See Graham v. John Deere Co. of Kansas City*, 383 U.S. 1, 22 (U.S. 1966). The Applicants respectfully assert that the combination of *Sainomoto* and *Cassiday* fails to disclose all of the limitations set forth in independent claim 7, and consequently does not render obvious claims 7, 9, 25-27, 29-31, and 33.

The combination of *Sainomoto* and *Cassiday* fails to render obvious claims 7, 9, 25-27, 29-31, and 33 because the combination of *Sainomoto* and *Cassiday* fails to disclose that the order of the second relationship is set according to the sequence of the port numbers of the destination port, and that at least one of the transmitting ports in the second routing table is associated with a plurality of the destination ports when the failure is associated with one of the plurality of the destination ports. **Claim 7 has been amended to include the allowable subject matter in claim 3**, and now reads:

7. A network device, comprising:

a processor;

a first routing unit; and

a second routing unit,

wherein the processor is configured to communicate with the first routing unit and the second routing unit,

wherein the first routing unit is configured to save a first relationship between a data packet identifier and a destination port in a first routing table, and identify the destination port corresponding to the data packet identifier from the first routing table after receiving a data packet,

wherein the second routing unit is configured to save a second relationship between the destination port and a transmitting port in a second routing table, and transmit the data packet via the transmitting port corresponding to the destination port based on the second relationship, and

wherein the order of the second relationship is set according to the sequence of the port numbers of the destination port, and

wherein at least one of the transmitting ports in the second routing table is associated with a plurality of the destination ports when the failure is associated with one of the plurality of the destination ports.

(Emphasis added). As shown above, claim 7 requires that the order of the second relationship is set according to the sequence of the port numbers of the destination port, and that at least one of the transmitting ports in the second routing table is associated with a plurality of the destination ports when the failure is associated with one of the plurality of the destination ports. Neither *Sainomoto* nor *Cassiday* disclose that the order of the second relationship is set according to the sequence of the port numbers of the destination port, and that at least one of the transmitting ports in the second routing table is associated with a plurality of the destination ports when the failure is associated with one of the plurality of the destination ports. Thus, the combination of *Sainomoto* and *Cassiday* fails to disclose the above limitation. As such, the combination of *Sainomoto* and *Cassiday* fails to disclose an element of claim 7, and consequently fails to render obvious claims 7, 9, 25-27, 29-31, and 33.
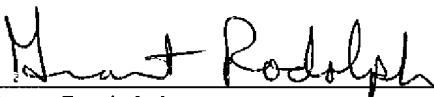
CONCLUSION

Consideration of the foregoing amendments and remarks, reconsideration of the application, and withdrawal of the rejections and objections is respectfully requested by the Applicant. No new matter is introduced by way of the amendment. It is believed that each ground of rejection raised in the Office Action dated July 19, 2010 has been fully addressed. If any fee is due as a result of the filing of this paper, please appropriately charge such fee to Deposit Account Number 50-1515 of Conley Rose, P.C., Texas. If a petition for extension of time is necessary in order for this paper to be deemed timely filed, please consider this a petition therefore.

If a telephone conference would facilitate the resolution of any issue or expedite the prosecution of the application, the Examiner is invited to telephone the undersigned at the telephone number given below.

Respectfully submitted,
CONLEY ROSE, P.C.

Date: 7/26/10

Grant Rodolph
Reg. No. 50,487

5601 Granite Parkway, Suite 750   ATTORNEY FOR APPLICANT
Plano, TX 75024
(972) 731-2288
(972) 731-2289 (Facsimile)